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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/736,184      | 12/15/2003  | Chatschik Bisdikian  | YOR920030557US1     | 4373             |

7590 03/23/2006

Ryan, Mason & Lewis, LLP  
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Locust Valley, NY 11560

EXAMINER

SMITH, SHEILA B

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2617

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/736,184

Applicant(s)

BISDIKIAN ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/7/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietzold, III et al. (U. S. Patent Number 6,091,765) in view of Reininghaus (U. S. Patent Number 5,898,922).

***Regarding claim 1***, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses reconfigurable radio system architecture. In addition Pietzold, III et al. discloses a the method comprising the steps of: determining at least one anticipated context with which the device may be associated (which reads on "In response to instructions provided from the user input circuit 26, the configuration control system 18 (in response to instructions or commands stored in the configuration memory 14) connects selected ones of a plurality of configurable digital signal processors (CDSP) 20 and 22, and configures the digital IF subsystem 24 in a receiver or transmitter mode of operation with the radio frequency subsystem 12 to function in accordance with the signaling scheme selected by the user", which reads on column 5 lines 55-60); and determining at least one mode of operation associated with the at least one anticipated context such that the at least one mode of operation may be effectuated before or at a time when the anticipated context is at

least partially realized (which reads on column 5 lines 26-67). However Pietzold III et al. fails to specifically disclose preconditioning a computer-controllable device.

In the same field of endeavor Reininghaus discloses a mobile radio system, Reininghaus discloses preconditioning a computer-controllable device (which reads on column 1 lines 6-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Pietzold, III et al. by modifying the reconfigurable radio system architecture with disclose preconditioning a computer-controllable device for the purpose of signaling links which is compatible throughout to transmit control information and data.

**Regarding claim 2**, Pietzold, III et al. discloses essentially all the claimed invention as set fourth in the instant application, further Pietzold, III et al. discloses the step of determining at least one action used to enable the at least one mode of operation(which reads on column 7 lines 30-46).

**Regarding claim 3**, Pietzold, III et al. discloses essentially all the claimed invention as set fourth in the instant application, further Pietzold, III et al. discloses at least one anticipated context comprises at least one of a location, a time, a destination, a power capacity, a policy, and a history associated with the device (which reads on column 5 lines 26-67).

**Regarding claim 4**, Pietzold, III et al. discloses essentially all the claimed invention as set fourth in the instant application, further Pietzold, III et al. discloses the operation mode determining step further comprises employing at least one parameter used to realize the operation mode (which reads on column 7 lines 30-46).

**Regarding claim 5**, Pietzold, III et al. discloses essentially all the claimed invention as set fourth in the instant application, further Pietzold, III et al. discloses the at least one

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parameter is available from at least one of a local store and a remote store (which reads on column 6 lines 51-67 and column 7 lines 1-30).

***Regarding claim 6***, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses the at least one parameter is available from a Web service (which reads on column 5 lines 26-67).

***Regarding claim 7***, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses the operation mode determining step further comprises a consideration of at least one of cost, power, experience, workflow, and coverage associated with the device (which reads on column 7 lines 30-46).

***Regarding claim 8***, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses the device comprises a mobile device (which reads on column 5 lines 26-67).

***Regarding claim 9***, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses the device comprises a software defined radio (which reads on column 5 lines 26-67).

***Regarding claim 10***, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses a method of altering a mode of operation of a system having at least one computer controllable subsystem associated therewith, the method comprising the steps of: responsive to at least one projected context, determining at least one projected mode of operation for the system (which reads on 7 lines 30-46); and responsive to the at least one projected mode of operation, providing at least one computer operation for the at least one computer controllable subsystem, the operation enabling

the at least one projected mode of operation, such that, responsive to the at least one computer operation, a current mode of operation of the system may be altered to the projected mode of operation (which reads on column 5 lines 26-67).

***Regarding claim 11***, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses the step of selecting a projected mode of operation, when two or more projected modes of operation are determined (which reads on column 7 lines 30-46).

***Regarding claim 12***, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses the computer controllable subsystem comprises a communications subsystem (which reads on column 5 lines 26-67).

***Regarding claim 13***, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses the projected mode of operation is associated with one or more communication capabilities (which reads on column 5 lines 26-67).

***Regarding claim 14***, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses the communications subsystem comprises a software defined radio (which reads on column 5 lines 26-67).

***Regarding claim 15***, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses the step of providing at least one computer operation further comprises a service discovery process (which reads on column 5 lines 26-67).

**Regarding claim 16**, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses a method of obtaining protocol information for a software defined radio (SDR), the method comprising the steps of: determining a projected context associated with the SDR; responsive to the projected context (which reads on 7 lines 30-46), determining at least one parameter related to a communication protocol for use by the SDR; and providing an indicator of the at least one parameter such that the at least one parameter may be employed (which reads on column 5 lines 26-67).

**Regarding claim 17**, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses the step of obtaining multiple protocols (which reads on column 5 lines 26-67).

**Regarding claim 18**, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses determining a projected context is responsive to at least one of an SDR user calendar, an SDR user data entry, a current context, a workflow, and an SDR user history (which reads on column 7 lines 30-46).

**Regarding claim 19**, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses the current context comprises at least one of a current location, an indicator of remaining battery power, one or more current protocol settings, and current latency experienced (which reads on column 5 lines 26-67).

**Regarding claim 20**, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses determining a projected

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context based on a current location comprises use of a projected location (which reads on column 7 lines 30-46).

***Regarding claim 21***, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses determining at least one parameter comprises optimizing at least one of an end-to-end cost, latency, and security (which reads on column 6 lines 51-67 and column 7 lines 1-30).

***Regarding claim 22***, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses determining at least one parameter comprises use of at least one of an algorithm, a database lookup, and a Web service (which reads on column 5 lines 26-67).

***Regarding claim 23***, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses the algorithm provides optimization of at least one of a cost to user, a battery life, and a latency (which reads on column 5 lines 26-67).

***Regarding claim 24***, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses determining at least one parameter is further responsive to at least one of a user policy, an owning enterprise policy, and a security policy (which reads on column 7 lines 30-46).

***Regarding claim 25***, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses providing an indicator comprises at least one of providing a protocol download, a parameter download, a uniform resource locator, a parameter address, an identifier, an Internet Protocol address, a diskette, a .

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control string and an indicator to a device that an update is available for download (which reads on column 6 lines 51-67 and column 7 lines 1-30).

***Regarding claim 26,*** Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses providing an indicator is performed wirelessly (which reads on column 5 lines 26-67).

***Regarding claim 27,*** Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses providing an indicator comprises providing an indicator to a device associated with the SDR (which reads on column 5 lines 26-67).

***Regarding claim 28,*** Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses the at least one parameter is operative to select between network providers (which reads on column 6 lines 51-67 and column 7 lines 1-30).

***Regarding claim 29,*** Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses a method of obtaining protocol information for a software defined radio (SDR), the method comprising the steps of: receiving an indicator of a target of communication; responsive to the target indicator (which reads on column 7 lines 30-46) , determining at least one parameter related to a communication protocol for use by the SDR (which reads on column 6 lines 51-67 and column 7 lines 1-30); and providing an indicator of the at least one parameter such that the at least one parameter may be employed (which reads on column 5 lines 26-67).

**Regarding claim 30**, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses receiving an indicator of target includes at least one of receiving a telephone number, receiving an Internet Protocol address, and a data type (which reads on column 5 lines 26-67).

**Regarding claim 31**, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses a computer-controllable device, comprising: a memory; and at least one processor coupled to the memory and operative to: (i) determine at least one anticipated context with which the device may be associated; and (ii) determine at least one mode of operation associated with the at least one anticipated context such that the at least one mode of operation may be effectuated before or at a time when the anticipated context is at least partially realized (which reads on column 5 lines 26-67). However Pietzold III et al. fails to specifically disclose preconditioning a computer-controllable device.

In the same field of endeavor Reininghaus discloses a mobile radio system, Reininghaus discloses preconditioning a computer-controllable device (which reads on column 1 lines 6-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Pietzold, III et al. by modifying the reconfigurable radio system architecture with disclose preconditioning a computer-controllable device for the purpose of signaling links which is compatible throughout to transmit control information and data.

**Regarding claim 32**, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses an article of manufacture a computer-controllable device, comprising a machine readable medium containing one or more programs which when executed implement the steps of: determining at least one anticipated

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context with which the device may be associated (which reads on 7 lines 30-46); and determining at least one mode of operation associated with the at least one anticipated context such that the at least one mode of operation may be effectuated before or at a time when the anticipated context is at least partially realized (which reads on column 5 lines 26-67). However Pietzold III et al. fails to specifically disclose preconditioning a computer-controllable device.

In the same field of endeavor Reininghaus discloses a mobile radio system, Reininghaus discloses preconditioning a computer-controllable device (which reads on column 1 lines 6-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Pietzold, III et al. by modifying the reconfigurable radio system architecture with disclose preconditioning a computer-controllable device for the purpose of signaling links which is compatible throughout to transmit control information and data.

***Regarding claim 33***, Pietzold, III et al. discloses essentially all the claimed invention as set forth in the instant application, further Pietzold, III et al. discloses communications system, comprising: a software defined radio (SDR); and an SDR-enabled device; wherein, responsive to at least one projected context, at least one projected mode of operation for the system is determined in accordance with the SDR-enabled device and (which reads on column 6 lines 51-67 and column 7 lines 1-30), responsive to the at least one projected mode of operation, at least one computer operation is provided for the SDR, the operation enabling the at least one projected mode of operation, such that, responsive to the at least one computer operation, a current mode of operation of the system may be altered to the projected mode of operation (which reads on column 5 lines 26-67).

***Response to Arguments***

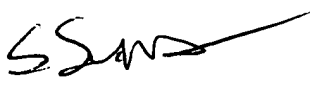
2. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.Smith   
March 19, 2006

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER